

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

Case No. 2:17-cr-0221-JAD-GWF

8 Plaintiff,

ORDER

9 v.

(Mot Reopen Det – ECF No. 61)

10 KEJON WARD,

11 Defendant.

12 This matter is before the court on defendant Kejon Ward's Motion to Reopen Detention
13 Hearing (ECF No. 61). The court has reviewed the motion and the government's Response (ECF
14 No.62).

15 A detention hearing may be reopened only "if the judicial officer finds that information
16 exists that was not known to the movant at the time of the hearing," and that the information "has
17 a material bearing on the issue whether there are conditions of release that will reasonably assure
18 the appearance of the person as required, and the safety of any other person and the community."
19 18 U.S.C. § 3142(f). As the court noted in *United States v. Ward*, 63 F. Supp. 2d 1203 (C.D. Cal.
20 1999), "courts have interpreted this provision strictly, holding that hearings should not be reopened
21 if the evidence was available at the time of the initial hearing." *Id.* at 1206.

22 Counsel for Ward states a change of circumstance has occurred since his initial appearance.
23 At the initial appearance, Ward was being held on a state hold. Ward submitted to detention, but
24 reserved the right to reopen detention once the state hold was lifted. He was detained as both a
25 danger to the community and a risk of non-appearance. The state hold was discharged on
26 September 7, 2017, and Ward requests reopening detention to allow him to be released, like his
27 co-defendants, pending trial. The government opposes the motion arguing that the state parole
28 hold was lifted because Ward's state sentence subsequently expired.

1 Ward did not initially interview with Pretrial Services and submitted to detention hearing
2 because of a state parole hold but requested leave to reopen if his circumstances changed. The
3 court will grant his request to be interviewed with Pretrial Services and set the matter for hearing.


4 **IT IS ORDERED:**

5 1. Ward's Motion to Reopen Detention (ECF No. 61) is **GRANTED** to the extent

6 Pretrial Services shall interview Ward and prepare a report.

7 2. A hearing is set for **10:30 a.m., November 2, 2017**, in Courtroom 3B.

8 DATED this 25th day of October, 2017.

9
10 
11 PEGGY A. LEEN
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28